

## Green Sense 08-11-2013

The President's Climate Plan – Giving up on Congress

Following a significant Climate Action speech at Georgetown University on June 25<sup>th</sup> (see Green Sense 6/30/2013) the President is acting to accomplish the plan. With a mix of rule-making and federal permitting, it largely bypasses Congress. Working within existing laws, the President does not need to push a 'climate bill' through Congress.

The primary authority comes from the Clean Air Act, which is a 1960s law that has gone through many court appeals and is the basis for the Supreme Court's finding that the EPA should regulate carbon dioxide as a pollutant.

The major effort under the President's plan is to impose limits on carbon dioxide emissions from existing power plants. The Clean Air Act says the EPA must publish guidelines and give the states time to create their own plans for compliance. This will require each state to draft a compliance proposal, pushing state governors and legislatures to act.

The EPA must approve or reject the state plans. If the states don't act, then the EPA writes the plan for the state. Coal and other fossil-fuel-producing states with Republican governors are expected to resist the revised plans most vehemently.

Carbon dioxide emission limits are being "reworked" for gas and coal-burning power plants. The initial proposal used the same standard for both coal and gas. The industry argued that this would mean a moratorium on new coal plants, since coal cannot meet the same standard as gas with commercially available technology.

Governor Matt Mead (Republican of Wyoming) is also critical of the EPA effort to reduce regional haze. The EPA plan seeks to limit air pollution from coal-fired power plants. Governor Mead claims it does more to kill the coal industry than to clear Wyoming air. The state offered a proposal to address the issue, but the EPA has rejected significant parts of their plan.

Wyoming produces more coal than any other state, accounting for 40% of the nation's coal. Coal drives a large portion of the state's economy. The state counters that much of Wyoming's haze problem can be attributed to forest fires and that the one billion dollars needed to improve and retrofit coal-fired utility plants would only marginally improve visibility.

Obviously, both forest fires and coal burning need to be addressed to improve visibility and mitigate global warming. However, it should be noted that the increase in the number and severity of forest fires can also be attributed, at least indirectly, to the

warming of the planet - another consequence of burning fossil fuels, among which coal produces the most emissions.

In Republican led states, such as Texas and Utah, where drought and other environmental disasters have been blamed on climate change, there is less resistance to such EPA actions.

At the EPA, Gina McCarthy has finally been confirmed by the Senate as the new Administrator. She was nominated on March 4, 2013 and confirmed on July 18<sup>th</sup>. The Republicans had voted against her confirmation until a compromise was reached that allowed the Senate their filibuster option.

McCarthy has been an environmental advisor to five Massachusetts governors, including Mitt Romney. From 2004 to 2009 she implemented a regional policy to trade carbon credits to reduce greenhouse gas emissions from power plants. Recently, as the EPA's senior air regulator, McCarthy oversaw rules to reduce mercury and soot pollution from power plants. Her nomination as the head of the EPA is a strong indication that the President is serious about battling climate change.

The battles continue, with California and the New England States leading the way, and the coal mining states, such as Wyoming and West Virginia, resisting change. The nation needs to lead in mitigating global warming, and our President is endeavoring to meet the challenge.

Since the President, through the EPA, is looking to bypass the U.S. Congress and work directly with the states, he will need strong state support if his mission to reduce carbon dioxide emissions is to succeed. Call your local representatives and ask that they strongly support the President's legislation to mitigate carbon emissions.

A column by Reading Climate Committee members, David L. Williams and Ron D'Addario